

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
(Indianapolis Division)**

RED BARN MOTORS, INC., PLATINUM MOTORS, INC., and MATTINGLY AUTO SALES, INC., individually, and on behalf of other members of the general public similarly situated,	* * * * * * * * * * * *	DOCKET NO. 1:14-cv-01589-TWP-DLP CLASS ACTION
v.	* *	
NEXTGEAR CAPITAL, INC., F/K/A DEALER SERVICES CORPORATION.	* * * *	

**PLAINTIFFS' MOTION TO WITHDRAW (R. Doc. 328) MOTION FOR DISCOVERY
REGARDING DEFENDANT'S COMMUNICATIONS WITH CLASS MEMBERS**

Plaintiffs Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc., (“Plaintiffs”) moved this Court for an order (R. Doc. 328) allowing discrete, limited written and/or deposition discovery regarding post-certification communications between Defendant NextGear Capital, Inc. (“NextGear”) and certain identified members of the Class. NextGear’s Opposition (Rec. Doc. 330 at 4) suggested no opposition to such limited discovery, although NextGear reserves its rights to object to the specifics of such discovery. Therefore, pursuant to the parties’ discussion with the Court regarding these issues during the May 27, 2020 status conference, Plaintiffs move to withdraw, without prejudice, R. Doc. 328, reserving all of Plaintiffs’ rights and remedies to seek the limited discovery Plaintiff’s propounded.

For the reasons set forth herein, Plaintiffs Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc., by counsel, respectfully request that their Motion be granted.

Respectfully submitted, this 29th of May, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2020, a copy of the foregoing was filed electronically. Notice of the filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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